

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

In the Matter of)	Chapter 13
)	
SHIRLEY ANN GINWRIGHT)	Case No. 20-10872-KHK
)	
Debtor)	

NOTICE OF OBJECTION AND NOTICE OF HEARING

Oxford Station Townhouse Association, a secured creditor, by Counsel, has filed papers with the court objecting to Confirmation of the Chapter 13 Plan in the above captioned matter.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion (or objection), or if you want the court to consider your views on the motion (or objection), then you or your attorney must:

- Attend the Plan Confirmation hearing scheduled to be held on July 23, 2020, at 1:30 p.m. at Judge Kindred's Courtroom, 200 S. Washington Street, 3rd Floor, Courtroom III, Alexandria, VA.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Oxford Station Townhouse Association
By Counsel:

Dated: July 15, 2020

/s/ John R. Griffin
John R. Griffin, VSB#71035
john.griffin@griffinpllc.com
P.O. Box 1295
129 E. Davis Street, Suite 240
Culpeper, VA 22701
(571) 308-5820

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July, 2020, the following person(s) were or will be served with a copy of the foregoing Notice of Objection via the CM/ECF system or by first class mail, postage prepaid:

Thomas P. Gorman, Trustee
300 N. Washington Street, Suite 400
Alexandria, VA 22314

Barry Weintraub, Esquire
2124 Jefferson Davis Hwy, Suite 201
Stafford, VA 22556

Shirley Ann Ginwright
11615 Gunston Road
Lorton, VA 22709

/s/ John R. Griffin

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In the Matter of)	Case No. 20-10872 KHK
)	
SHIRLEY ANN GINWRIGHT)	Chapter 13
)	
Debtor)	

OBJECTION TO CONFIRMATION OF DEBTOR’S PROPOSED CHAPTER 13 PLAN

Oxford Station Townhouse Association, a secured creditor, by Counsel, objects to the confirmation of Debtor’s proposed Amended Chapter 13 Plan and states as follows:

1. Oxford Station Townhouse Association (the “Association”) is a homeowner’s association located in Stafford County, Virginia.
2. On March 20, 2020, (the “Debtor”) filed a voluntary petition in this Court under Chapter 13 of the United States Bankruptcy Code.
3. Thomas P. Gorman is the Chapter 13 Trustee.
4. Debtor owns real property within the Association located at 1227 Thomas Jefferson Place, Fredericksburg, VA 22405 (“the Property”). The Property is not Debtor’s principal residence.
5. The Property is encumbered by three liens in favor of the Association as follows:
 - a. Memorandum of Lien dated 10/2/2015 in the amount of \$2,414.96 and recorded on 12/8/2015 as LR150021868 with the Clerk of the Circuit Court for Stafford County, Virginia.

- b. Memorandum of Lien dated 8/27/2018 in the amount of \$1,200.00 and recorded at on 9/5/2018 as LR180015062 with the Clerk of the Circuit Court for Stafford County, Virginia
- c. Judgment entered on 8/27/2018 in the principal amount of \$3,364.36, court costs of \$61.00, attorney's fees of \$800.00 and interest at 6% and docketed with the Clerk of the Circuit Court for Stafford County, Virginia on October 12, 2018 as Instrument Number 180005137 (hereinafter the "Association Liens").

6. The Association is governed by a Deed of Dedication and Declaration of Covenants, Conditions and Restrictions. A copy of that instrument is attached hereto as Exhibit 1.

7. Article V, Section 8 of the Declaration provides: "If any assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of six percent (6%) per annum, and the Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of any such action shall be added to the amount of such assessment."

8. On April 13, 2020, Debtor filed a Chapter 13 Plan and Related Motions. On May 30, 2020, Debtor filed an Amended Chapter 13 Plan and Related Motions. Under section 8.B. of that Amended Plan, Debtor proposes to avoid the Association Liens through adversary proceedings and claims the basis for avoidance is "Fair Debt Collection Act."

9. The Association assumes that Debtor's reference to "Fair Debtor Collection Act" refers to the Federal Fair Debt Collection Practices Act (FDCPA), 15 USC §1692. The FDCPA includes no provision that would allow a Debtor to invalidate a state issued judgment lien or a

statutorily imposed lien in favor of a homeowner's association. In addition, the Association is not a "Debt Collector" as that term is defined in 15 USC §1692a and the FDCPA does not apply to the Association.

10. Section 8.B. also makes reference to "55.1- 1800 et. Seq." The Association assumes that Debtor is referring to the Virginia Property Owners' Association Act appearing in section 55.1-1800 through 5.1-1836 of the Virginia Code. Section 1833 outlines the process by which the Association was to perfect its lien. The Association believes it complied with all requirements of the statute to perfect its lien.

11. The hearing on confirmation of the Debtor's proposed Plan is scheduled to take place on July 23, 2020 at 1:30 p.m.

WHEREFORE, the Association requests that this Court:

1. Enter an order DENYING confirmation of the Debtor's Chapter 13 Plan; and
2. Require Debtor to amend the Chapter 13 Plan within an imposed deadline to reflect a proper treatment of the claim; and
3. Grant such other and further relief as the nature of this matter may require.

Oxford Station Townhouse Association
By Counsel:

Dated: July 15, 2020

/s/ John R. Griffin
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